

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

PENTHOUSE OWNERS ASSOCIATION, INC.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07CV568-HSO-RHW

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

DEFENDANT

**PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF NET WORTH  
INFORMATION, OR, IN THE ALTERNATIVE, MOTION TO DEEM DEFENSE  
TO EXCESSIVE PUNITIVE DAMAGES WAIVED**

COMES NOW Plaintiff Penthouse Owners Association, Inc. ("Plaintiff" or "Penthouse"), by and through counsel of record, and files this its *Motion to Compel Production of Net Worth Information, or, In the Alternative, Motion to Strike Defense to the Amount of a Punitive Damage Award*, as follows:

1. Penthouse asks the Court to compel Defendants Certain Underwriters at Lloyd's, London (collectively referred to as "Defendants" or "Lloyd's") to supplement their initial disclosures to meet the requirements of Rule 26 (a)(1)(A)(ii). Specifically, Penthouse asks the Court to compel Defendants to disclose and produce documents exhibiting the net worth of each of the Names under the subject insurance policy. Penthouse has conferred with Defendants regarding this issue, but Defendants have refused to produce the requested documents. Penthouse is entitled to those documents, and this motion to compel should be granted. In the alternative, Penthouse asks that the Court strike any defense or contest by Defendants to the amount of a punitive damage award, and deem Defendants to have waived any such defense.

2. In further support of this motion and alternative motion, Plaintiff submits its memorandum of law simultaneously herewith, as well as the following exhibits:

A. Good Faith Certificate—Exhibit 1

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff Penthouse Owners Association respectfully asks that this Court compel Defendants to comply with the requirements of F.R.C.P. 26 (a)(1)(A)(ii) and to produce copies and descriptions of all documents, things and information demonstrating the net worth of each of the Names under Penthouse's Policy. In the alternative, Plaintiff respectfully asks that the Court strike any defense by Defendants to the amount of a punitive damage award and deem Defendants to have waived any such defense.

RESPECTFULLY SUBMITTED on this the 16<sup>th</sup> day of August, 2010.

PLAINTIFF

PENTHOUSE OWNERS ASSOCIATION, INC.

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**CERTIFICATE OF SERVICE**

The undersigned counsel does hereby certify that he has on this date served the above and foregoing document on all counsel of record via the Court's ECF system:

ON THIS the 16<sup>th</sup> day of August, 2010.

/s/Gary Yarborough, Jr.